SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Trust Entitled: Index No.: 100682/2025
LES MAÎTRES D'ART HAÏTIENS TRUST

NOTICE OF MOTION

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PLEASE TAKE NOTICE that upon the annexed Affidavit in Support of Motion of Malcolm Gerard Cesar, duly sworn to on August 11, 2025, together with the accompanying Affirmation, Exhibits, and all prior pleadings, papers, and proceedings heretofore filed and submitted in this action, the undersigned will move this Court at the Supreme Court of the State of New York, County of New York, located at 60 Centre Street, New York, NY 10007, Room 130, on Monday, September 8, 2025, at 9:30 A.M., or as soon thereafter as counsel can be heard, for an Order pursuant to the provisions of the Les Maîtres d'Art Haïtiens Trust Agreement, appointing a fiduciary auctioneer to dispose of certain trust assets belonging to the Les Maîtres d'Art Haïtiens Trust, a charitable trust registered with the New York State Attorney General's Charities Bureau.

PLEASE TAKE FURTHER NOTICE that this motion is made on notice to the New York State Attorney General's Charities Bureau pursuant to EPTL § 8-1.4, as the trust is a registered charitable trust and the Attorney General is a necessary party to this proceeding.

PLEASE TAKE FURTHER NOTICE that the relief sought is administrative in nature, and no adverse party is named. No prior application for the same or similar relief has been made.

Dated: August 11, 2025
Respectfully submitted,

Malcolm Gerard Cesar
Petitioner and Sole Trustee

cmalcolm144@gmail.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Trust Entitled: Index No.: 100682/2025
LES MAÎTRES D'ART HAÏTIENS TRUST

AFFIDAVIT IN SUPPORT OF MOTION

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I, MALCOLM GERARD CESAR, being duly sworn, depose and state as follows:

1. I am the Sole Trustee of the Les Maîtres d'Art Haïtiens Trust (the "Trust"), a charitable trust established under the laws of the State of New York and registered with the New York State Attorney General's Charities Bureau. I make this affidavit in support of the accompanying motion seeking an Order of this Court appointing a neutral fiduciary auctioneer to oversee the sale of certain trust-owned artworks.

2. I have personal knowledge of the facts set forth herein, except where stated to be upon information and belief, and in those instances, I believe them to be true.

3. The Trust was created for the preservation, exhibition, and promotion of Haitian art, and all proceeds from trust activities are directed to charitable purposes as articulated in Article VI of the Trust Agreement.

4. Pursuant to Article VI, I, as Trustee, am authorized to sell Trust-owned artworks, provided that 100% of net proceeds from such sales are applied exclusively to charitable programs consistent with the Trust's objectives.

5. In furtherance of these purposes and to ensure impartiality and compliance with fiduciary standards, I respectfully request that this Court appoint a neutral fiduciary auctioneer, qualified under Part 36 of the Rules of the Chief Judge, to manage the disposition of artwork held by the Trust.

6. Upon appointment, the fiduciary auctioneer shall be empowered to:

    a. Conduct professional appraisals of the Trust's artwork;

    b. Organize and execute a public auction or comparable sale;

    c. Maintain and submit detailed records of the auction to this Court;

d. Ensure that all net proceeds are directed solely to the charitable purposes set forth in the Trust Agreement.

7. I will cooperate fully with the fiduciary auctioneer and ensure timely access to relevant documentation and assets needed to carry out the sale process.

8. I further request that no commissions, fiduciary fees, or legal fees be paid in connection with this appointment or the auction unless and until approved by further Order of this Court. This request is made in accordance with the Trust's goal to maximize charitable distributions and minimize administrative expenses.

9. The request for fee and commission waiver is warranted based on the following:

   a. All auction proceeds will be dedicated exclusively to charitable activities;

   b. The Trust is under the oversight of the Charities Bureau of the New York Attorney General;

   c. The Trust Agreement explicitly restricts administrative and fiduciary expenses;

   d. A waiver will promote transparency and public benefit, consistent with the Trust's mission.

10. This motion is being made on notice, as required by CPLR Article 22. However, I submit that the relief requested is non-adversarial and ministerial in nature, involving no disputes between parties.

WHEREFORE, I respectfully request that the Court grant the relief requested in the accompanying Notice of Motion and enter an Order appointing a fiduciary auctioneer and waiving commissions and related fees in furtherance of the Trust's charitable mission.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: August 11th, 2025
New York, New York

MALCOLM GERARD CESAR
Sole Trustee, Les Maîtres d'Art Haïtiens Trust

NOTARY ACKNOWLEDGMENT

STATE OF GEORGIA
COUNTY OF Gilmer

On this 11 day of August, 2025, before me personally appeared Malcolm Gerard Cesar, to me known and known to me to be the individual described in and who executed the foregoing affidavit, and who duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal the day and year first above written.

Notary Public – State of Georgia
(Official Notarial Seal)

My Commission Expires: 5/4/27
Notary Commission Number: _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Trust Entitled: Index No.: 100682/2025
LES MAÎTRES D'ART HAÏTIENS TRUST

EMERGENCY AFFIDAVIT

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I, Malcolm Gerard Cesar, request immediate judicial review of my:

PROPOSED ORDER FOR APPOINTMENT OF A FIDUCIARY AUCTIONEER

on the following grounds:

The Trust's principal obligation, as established in Article VI of the Irrevocable Art Collection Trust Agreement, is to apply 100% of the proceeds from the sale of artwork exclusively toward charitable activities. Immediate judicial oversight is necessary to ensure the timely fulfillment of that charitable mission and to safeguard the Trust's ability to carry out urgent programmatic goals without delay or disruption.

Additionally, under § 10.44 of the Trust Agreement, I, as Trustee, have the authority to petition the Supreme Court of the State of New York for judicial intervention and the appointment of a fiduciary to protect the Trust's operations from external disruptions. These include but are not limited to:

- Targeted harassment or defamation by hate groups,
- Coordinated economic interference,
- Frivolous or malicious legal obstruction, and
- Cybersecurity or reputational threats aimed at the Trust or its assets.

The appointment of a neutral, court-approved fiduciary auctioneer is a measured, administrative step that protects the integrity of the sale process while allowing the Trust to remain insulated from adversarial influence. No opposing parties exist. The relief requested is procedural and fully consistent with the Trust's legal authority, regulatory obligations, and charitable intent.

Respectfully submitted under penalty of perjury under the laws of the State of New York.

Executed this 11th day of August, 2025

Malcolm Gerard Cesar:

Trustee, Irrevocable Art Collection Trust

NOTARY ACKNOWLEDGMENT – EMERGENCY AFFIDAVIT

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index No. 100682/2025

STATE OF GEORGIA

COUNTY OF Gilmer

On this 11 day of Aug 5th A, ~~20~~, before me, the undersigned Notary Public, duly commissioned and authorized by the laws of the State of Georgia to administer oaths and take acknowledgments, personally appeared Malcolm Gerard Cesar, who is personally known to me or has produced satisfactory evidence of identification, and who, after being duly sworn, did execute and acknowledge the veracity and voluntariness of the document titled:

"EMERGENCY AFFIDAVIT"

The affiant affirms under penalty of perjury that he is the Petitioner in the above-captioned matter filed in the Supreme Court of the State of New York, County of New York, and that the contents of the affidavit pertain to an urgent request for judicial review of a Proposed Order for Appointment of a Fiduciary Auctioneer.

As Trustee of the Irrevocable Art Collection Trust, the affiant has affirmed that the Trust is bound by Article VI, and § 10.44 of its governing Trust Agreement to allocate 100% of sales proceeds exclusively to charitable uses, and that immediate judicial oversight is necessary to ensure the

uninterrupted fulfillment of the Trust's lawful and charitable mission. The affidavit further outlines credible concerns regarding third-party threats including but not limited to harassment, malicious interference, and reputational or cybersecurity disruption—necessitating neutral fiduciary oversight of the asset sale process.

This acknowledgment is executed in accordance with Georgia Notary Law, O.C.G.A. §§ 45-17-1 et seq., and confirms that the above-named affiant did appear before me in person, was sworn under oath, and voluntarily executed the affidavit for the purposes stated therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official notarial seal on the day and year first written above.

Notary Public – State of Georgia

(Official Notarial Seal Required)

My Commission Expires: 5/4/27

Notary Public Commission Number: _____

Proposed Order

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Trust Entitled: Index No.: 100682/2025
LES MAÎTRES D'ART HAÏTIENS TRUST

PROPOSED ORDER

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IT IS HEREBY ORDERED, upon the motion of Petitioner, made on notice, that:

1. The Court shall appoint a neutral fiduciary auctioneer, duly qualified and eligible under Part 36 of the Rules of the Chief Judge, to conduct, manage, and supervise the auction of artworks held by the Les Maîtres d'Art Haïtiens Trust, in strict accordance with the procedures and requirements outlined in the Trust Agreement;

2. The appointed fiduciary auctioneer shall be authorized to:

a. Conduct appraisals of the Trust's artwork holdings;

b. Organize, manage, and execute a public auction or equivalent sale process;

c. Maintain records and submit regular reports to this Court;

d. Ensure all net proceeds are applied to the charitable purposes set forth in Article VI of the Trust Agreement;

3. The Trustee shall cooperate fully with the fiduciary auctioneer and provide timely access to all relevant documentation and assets;

ORDERED, that no commission, fiduciary fees, or legal fees shall be paid absent further Order of this Court, consistent with Article VI of the Trust Agreement and the Trust's express directive to maximize charitable distribution;

FURTHER ORDERED, that this request for a waiver of fees and commissions is further justified as follows:
100% of the proceeds will be used exclusively for charitable programs pursuant to Article VI of the Trust Agreement;
The Trust is regulated by the New York Attorney General's Charities Bureau, which favors cost-effective and transparent administration;

The Trust Instrument under Article VI explicitly mandates that proceeds from the auction be maximized for the benefit of charitable purposes and limits administrative and fiduciary expenses; Waiving all commissions and legal fees will ensure full application of proceeds toward the Trust's philanthropic mission and public benefit.

This Order is issued upon notice of motion, as the sole relief sought is the appointment of a neutral fiduciary auctioneer pursuant to the Trust Agreement. The relief requested is non-adversarial and ministerial in nature, and no adverse party exists to require opposition.

ENTER:

Justice of the Supreme Court